

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE
MINUTES**

JANUARY 12, 2010

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, January 12, 2010 at 3:08 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable H. Lamar Willis, Vice-Chair
The Honorable C. T. Martin
The Honorable Yolanda Adrean
The Honorable Joyce Sheperd
The Honorable Keisha Lance Bottoms
The Honorable Natalyn M. Archibong**

Others present at the meeting were: Councilmembers Michael J. Bond and Alex Wan, Jerry Deloach, Dianne Mitchell and Amber Robinson, Law Department; Assistant Chief, Peter Andresen, Deputy Chiefs Calvin Moss, Shawn Jones, and Ernest Finley, Chief of Staff, Erika Shields, Director Malachi Hull, Police Department; Raines Carter, City Solicitor; Dan Boozer, Courts; Karen Rogers, Weed and Seed; Leslie Ward, City Auditor; Priscilla Doggett, Diane Jones, Atlanta Detention Center, Luz Borrero and Peter Aman, Office of the Mayor; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:08 p.m. after declaring a quorum present. He then proceeded with the following order of business.

- A. ADOPTION OF AGENDA - AMENDED TO ADD ONE RESOLUTION AND TO MOVE ITEM E-6 TO LAST AGENDA ITEM**
- B. ELECTION OF VICE-CHAIR - Councilmember Martin made a motion to elect Councilmember H. Lamar Willis as Vice-Chair. The vote was unanimous.**

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

- 10-R-0069 (1) Claim of **Caprice Holt**, for property damages alleged to have been sustained from an automobile accident on September 25, 2009 at Northside Drive and McDaniel Street.
- \$2,589.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0070 (2) Claim of **Chenelle Barker, through her attorney, L. Chris Stewart**, for damages alleged to have been sustained as a result of an automobile accident on May 1, 2009 at 1801 Howell Mill Road, NW. **\$9,000.00**
- 10-R-0071 (3) Claim of **USAA, as subrogee of David W. Tascarella**, for damages alleged to have been sustained as a result of an automobile accident on April 25, 2008 at 2715 Peachtree Road, NE and Andrews Drive, NE. **\$35,264.51**
- 10-R-0072 (4) Claim of **Uptown Buckhead**, for damages alleged to have been sustained as a result of an automobile accident on November 20, 2009 at 3707 Roswell Road, NE. **\$4,207.07**
- 10-R-0073 (5) Claim of **Brenda Ann Stewart**, for damages alleged to have been sustained as a result of an automobile accident on October 26, 2009 at S. Central Avenue and Atlanta Avenue. **\$1,015.24**
- 10-R-0074 (6) Claim of **AT&T**, for damages alleged to have been sustained as a result of a severed phone line on September 14, 2009 at Lenox Road at Canter Road. **\$2,021.58**
- 10-R-0075 (7) Claim of **Encompass Insurance, as subrogee of Lee A. Dudley**, for damages alleged to have been sustained as a result of an automobile accident on July 2, 2009 at Argonne Drive, NW and Arden Road, NW. **\$4,340.83**
- 10-R-0076 (8) Claim of **Janet C. Shortt**, for property damages alleged to have been sustained when a driveway was broken during back-yard garbage pickup service from 2007-May 27, 2009 at 3400 Spreading Oak Drive, SW. **\$1,225.00**
- 10-R-0077 (9) Claim of **Leonard Rubin**, for vehicle damages alleged to have been sustained as a result of a recessed catch basin on September 18, 2009 at 90 West Wieuca Road. **\$512.65**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0078 (10) Claim of **Sandra S. Myers**, for damages alleged to have been sustained as a result of a sewer backup between September 2-11, 2009 at 281 E. Wesley Road. **\$1,531.50**
- 10-R-0079 (11) Claim of **Andre Beasley, through his attorney, Ahkibah Khan**, for damages alleged to have been sustained as a result of a vehicular accident on July 20, 2009 at 1127 Cascade Avenue. **\$4,800.00**
- 10-R-0080 (12) Claim of **Phillip Floyd**, for damages alleged to have been sustained as a result of driving over a pothole on May 5, 2009 at 626 DeKalb Avenue. **\$692.17**
- 10-R-0081 (13) Claim of **Robert Jackson, through his attorney, Adam Jaffe**, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on May 27, 2009 at 276 Memorial Drive. **\$5,500.00**
- 10-R-0082 (14) Claim of **Tameko High, through her attorney, Ahkibah Khan**, for damages alleged to have been sustained as a result of a vehicular accident on July 20, 2009 at 1127 Cascade Avenue. **\$4,900.00**
- 10-R-0083 (15) Claim of **Mark Dowdy, through his attorney, George W. Brinson**, for damages alleged to have been sustained as a result of a trip and fall on an unsecured water meter lid April 20, 2009 on Oakview Road. **\$3,500.00**
- 10-R-0084 (16) Claim of **Evelyn Irving**, for damages alleged to have been sustained as a result of driving over a pothole on April 26, 2009 at 2800 Fairburn Road. **\$543.44**
- 10-R-0085 (17) Claim of **Citywide Wrecker**, for vehicular damages alleged to have been sustained after driving over an uncovered manhole on August 26, 2009 at McDonough Boulevard and Gault Street. **\$1,157.08**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0086 (18) Claim of **Sarah D. Sidwell**, for damages alleged to have been sustained as a result of striking a pothole on May 28, 2009 at 3369 Lenox Road. **\$274.92**
- 10-R-0087 (19) Claim of **Sara Dubose**, for damages alleged to have been sustained as a result of striking a pothole on October 5, 2009 at 3369 Lenox Road. **\$121.90**
- 10-R-0088 (20) Claim of **State Farm Insurance Companies, as subrogee of Stephen Ayoub**, for damages alleged to have been sustained as a result of a automobile accident on May 16, 2009 at 6000 North Terminal Parkway. **\$5,217.10**
- 10-R-0089 (21) Claim of **Edward J. Mills**, for damages alleged to have been sustained as a result of a sewer main break on December 9, 2008 at 2400 Bohler Road, NW. **\$155,000.00**
(Councilmember Martin made a motion to file.)

FILE

- 10-R-0090 (22) Claim of **Encompass Insurance, as subrogee of Ruby M. Walker**, for damages alleged to have been sustained as a result of an automobile accident on March 24, 2009 at Mableton Parkway and Discovery Parkway. **\$2,467.54**
- 10-R-0091 (23) Claim of **State Farm Insurance Companies, as subrogee of Phillip Floyd**, for damages alleged to have been sustained as a result of driving over a pothole on May 5, 2009 at 626 DeKalb Avenue. **\$926.37**
- 10-R-0092 (24) Claim of **State Farm Insurance Companies, as subrogee of Jamel Hill**, for damages alleged to have been sustained as a result of a vehicular accident on March 24, 2009 at 3201 Martin Luther King Jr. Drive. **\$1,324.06**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 10-R-0093 (25) Claim of **State Farm Insurance Companies, as subrogee of Stephen Ayoub**, for damages alleged to have been sustained as a result of an automobile accident on May 16, 2009 at 6000 North Terminal Parkway. **\$5,217.10**
(Councilmember Martin made a motion to file.)

FILE

Claims with unfavorable recommendations:

- 10-R-0094 (26) Claim of **Clara Funderburg, through her attorney, Thelma Wyatt Cummings Moore**, for property damages alleged to have been sustained due to a sanitary sewer rehabilitation project from 2007 to present at 2990 Stone Hogan Road.
- 10-R-0095 (27) Claim of **Kenneth Tyson, through his attorney, David R. Moore, Esq.**, for bodily injuries alleged to have been sustained from an automobile accident on August 8, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-0096 (28) Claim of **Erika Aaron**, for damages alleged to have been sustained as a result of flooding during a heavy rain event on September 21, 2009 at 198 Atlanta Avenue, SE.
- 10-R-0097 (29) Claim of **Dorothy Baker**, for property damages alleged to have been sustained from storm water overflow on June 21, 2005 at 735 Ellsworth Drive, NW.
- 10-R-0098 (30) Claim of **Michael Walker, on behalf of his deceased spouse, Elaine Walker, through his attorney, Noah S. Rosner, Esq., Rosner Law Group**, for damages alleged to have been sustained from a wrongful death incident on May 10, 2008 at 1500 Aviation Boulevard.
- 10-R-0099 (31) Claim of **Jessica N. Pressley-Willis**, for vehicular damages alleged to have been sustained from driving over a pothole on July 25, 2009 at Camp Creek Parkway and Bakers Ferry Road.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0100 (32) Claim of **Dorcas Grey, through her attorney, Steven R. Thornton, Esq., Thornton Law Firm, P.C.**, for bodily injuries alleged to have been sustained from a slip and fall incident on May 26, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-0101 (33) Claim of **Terry Brown**, for damages alleged to have been sustained as a result of driving over a pothole on September 30, 2009 at Roswell Road near Alberta Street.
- 10-R-0102 (34) Claim of **Cheryl Miller**, for vehicular damages alleged to have been sustained from driving over a pothole on April 2, 2009 on Peachtree Road, NE south of Pharr Road, NE.
- 10-R-0103 (35) Claim of **Patricia Ann Gresham**, for damages alleged to have been sustained during a sewer rehabilitation project on May 17, 2009 at 1739 Leslie Avenue, SW.
- 10-R-0104 (36) Claim of **Timothy K. Brayboy**, for damages alleged to have been sustained as a result of an automobile accident in a parking lot on May 21, 2009 at 651 14th Street, NW.
- 10-R-0105 (37) Claim of **Margaret Lane**, for damages alleges to have been sustained as a result of driving over a pothole on September 29, 2009 at 3434 Roswell Road.
- 10-R-0106 (38) Claim of **Mildred Denmark**, for damages allegedly sustained as a result of driving over an unsecured metal plate in April 2009 at 1317 Fairbanks Street.
- 10-R-0107 (39) Claim of **Wilford and Earnestine Reed, through their attorney, Terry D. Jackson, Esq.**, for damages alleged to have been sustained due to a residential fire on January 24, 2009 at 342 Atlanta Avenue.
- 10-R-0108 (40) Claim of **Ruth Green, through her attorney, Sam Starks**, for damages alleged to have been sustained as a result of a sewer backup on October 29, 2008 at 318 Kelso Drive.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0109 (41) Claim of **Sidnye Fells, through her attorney, N. Giovanni Bonner**, for damages alleged to have been sustained as a result of a resignation on December 9, 2008 at Dobbs Elementary School, 1965 Lewis Road.
- 10-R-0110 (42) Claim of **Thadious Strozier, through his attorney, Jonathan E. Sureck, Attorney at Law**, for bodily injuries alleged to have been sustained from an automobile accident involving an Atlanta Public Schools employee on March 5, & 25, 2009 at Forrest Park Road and Joseph E. Boone Boulevard.
- 10-R-0111 (43) Claim of **Portia Dixon, through her attorney, Nailah Grant**, for damages alleged to have been sustained as a result of a broken banner bracket on January 7, 2009 at North Avenue and West Peachtree Street.
- 10-R-0112 (44) Claim of **AT&T**, for damages alleged to have been sustained as a result of replacing a fire hydrant on April 3, 2009 at 3387 Donald L. Hollowell Parkway.
- 10-R-0113 (45) Claim of **The Estate of Everett Johnson, through its attorney, J. Philip Milam**, for damages alleged to have been sustained as a result of an automobile accident on September 15, 2009 at Hobart Drive near Vanderbilt Drive.
- 10-R-0114 (46) Claim of **Jena Barnett and Marc Antoine Williams on behalf of their deceased son, Antoine Williams, through, their attorney, Sherrie M. Brady, Esq., The Cochran Firm**, for damages alleged to have been sustained due to the death of a minor on October 14, 2008 at 3450 Benjamin E. Mays Drive, SW.
- 10-R-0115 (47) Claim of **Thad Persons**, for damages alleged to have been sustained as a result of the replacement of a water meter on October 12, 2009 at 37 East Drive.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 10-R-0116 (48) Claim of **David Stewart, through his attorney, William Heitmann, III**, for damages alleged to have been sustained as a result of a motor vehicle accident on June 5, 2009 at Greenwood Avenue and Monroe Drive.
- 10-R-0117 (49) Claim of **Allstate Insurance Company, as subrogee of Ricky Griffin, through their attorney, Edward Harris**, for damages alleged to have been sustained as a result of a vehicular accident on October 3, 2008 at an unspecified location.
(Councilmember Martin made a motion to approve Items C1-C20, C22-C24, C26-C49)

FAVORABLE

D. ORDINANCES FOR FIRST READING

- 10-O-0118 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2010 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$92,820.00 for a Grant Award from the Governor's Office of Highway Safety and matching funds in the amount of \$139,230.00 from the General Fund Budget, to fund the Highway Enforcement of Aggressive Traffic; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

- 10-O-0119 (2) An Ordinance by Public Safety and Legal Administration Committee amending the FY10 (Intergovernmental Grant Fund) Budget, for the City of Atlanta Municipal Court, Community Court Division, by adding to anticipations and appropriations in the amount of \$126,980.00, from the Georgia Department of Behavioral Health and Developmental Disabilities ("DBHDD") for the purpose of continuing Clinical Assessment Services for Criminal Defendants participating in Community Court; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

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ORDINANCES FOR FIRST READING (CONT'D)

- 10-O-0120 (3) An Ordinance by Public Safety and Legal Administration Committee amending the 2010 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$1,375,120.00 for an Edward Byrne Memorial Justice Assistance Grant ("JAG") Award from the United States Department of Justice; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

REGULAR

E. RESOLUTIONS

- 10-R-0064 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Amy Falzone v. City of Atlanta, Magistrate Court Fulton County, Civil Action File No. 09MS097930, in the amount of \$7,000.00; authorizing said payment to be charged to and paid from Fund 5051 (Water & Wastewater Revenue Fund), 170201 (DWM Wastewater Treatment & Collections) 5750002 (Property/Liquidation) 4310000 (Sanitary Administration); authorizing the rescission of 09-R-1856; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

- 10-R-0065 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Diane Bolton v. City of Atlanta, State Court Fulton County, Civil Action File No. 2007EV002680G, in the amount of \$20,000.00; authorizing said payment to be charged to and paid from Fund 1001 (General Fund)/ 200101 (NDP Unallocated Citywide Employee Expenses)/ 5212005 (Property/Liquidation)/ 1512000 (Human Resources); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

- 10-R-0066 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of James Ellis and Beverly Ellis v. City of Atlanta, Georgia, Civil Action File No. 2008-CV-160200, Fulton County Superior Court, in the amount of \$91,000.00; authorizing said payment to be paid from Fund 5051 (Water & Sewer), Center Number 170201 (Departmental) 5750002 (Account) and 4310000 (Functional Activity); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

- 10-R-0067 (4) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Lucy Stephens, Robert Baker and Joan Baker v. City of Atlanta, Georgia, Civil Action File No. 2008-CV-156177, Fulton Superior Court, in the total amount of \$190,000.00; authorizing said payment to be paid from Fund 5051 (Water & Sewer), Center Number 170201 (Departmental) 5750002 (Account) and 4310000 (Functional Activity); authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

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RESOLUTIONS (CONT'D)

- 10-R-0068 (5) A Resolution by Public Safety and Legal Administration Committee to authorize the Mayor to apply for and accept a grant in an amount not to exceed \$1,200,000.00 from the United States Department of Health and Human Services to implement an Offender Re-Entry Program in collaboration with the Municipal Court of Atlanta, Department of Corrections and the Mayor's Office of Weed and Seed, to reduce the recidivism rate among lower level offenders who have substance abuse problems that contribute to their criminal behavior; and for other purposes.
(Councilmember Sheperd made a motion to approve.)

FAVORABLE

- 10-R-0132 (6) A Resolution by Councilmember Michael J. Bond directing the City of Atlanta to apologize to the patrons and employees of the Atlanta Eagle for the alleged violations of Human and Civil Rights suffered as a result of a police raid carried out on September 10, 2009; and for other purposes.
(Councilmember Sheperd made a motion to hold.)

HELD

- 10-R-0134 (7) A Resolution by Councilmembers Michael J. Bond, Ivory L. Young, Jr., H. Lamar Willis, Kwanza Hall, C. T. Martin, Yolanda Adrean and Aaron Watson requesting the Atlanta Police Department, Office of the Chief and the Field Operations Division, to develop and submit to the Mayor and the City Council, a Zone and Beat Redesign Plan within 180 days of adoption of said resolution; and for other purposes.
(Councilmember Martin made a motion to hold for a two week time certain)

HELD (5 YEAS) MARTIN, LANCE BOTTOMS, ADREAN, ARCHIBONG, WILLIS (2 NAYS) YOUNG, SHEPERD

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RESOLUTIONS (CONT'D)

- 10-R-0137 (8) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes.
(Councilmember Archibong made a motion to hold for a Joint Work Session with Finance/Executive Committee and Committee on Council)

HELD

F. ITEM NOT ON THE AGENDA

- 10-R-0146 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the acceptance of \$190,775.00 as full compromise settlement of the City of Atlanta's claim for losses suffered due to the embezzlement of City funds by former employee, Mr. Vandyke A. Walker, III; collected Funds shall be deposited into Fund Account 5501 (Airport Revenue Fund) 000002 (Dept. of Aviation) 3890007 (Recoveries) 7563000 (Airport); and for other purposes.
(Councilmember Martin made a motion to approve.)

FAVORABLE

G. REQUESTED ITEMS

1. Councilmember Young made a request to Municipal Court, Office of Weed and Seed and Corrections to give a written report on how the Fund for the Offender Re-Entry Program would be used.
2. Councilmember Martin made a request to Interim Chief George Turner and the Office of the Mayor to present the Committee, a Zone and Beat Redesign Plan in two weeks.
3. Councilmember Young and the Committee will schedule several work sessions addressing the following topics:

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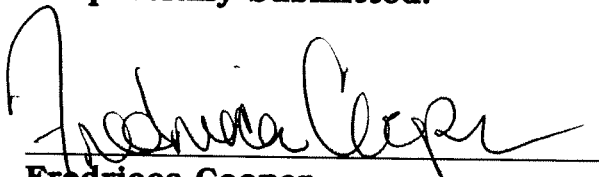
REQUESTED ITEMS (CONT'D)

- a) 911 Systems and Operation
- b) City Court System
- c) Police Zone and Beat Realignment
- d) Audit on the Public Safety Facilities Construction
and the Sale of City Hall East

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There being no further business to come before the Committee, the meeting was adjourned at 6:11 p.m.

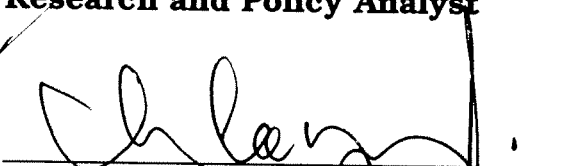
Respectfully Submitted:



Fredriecca Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



The Honorable Ivory L. Young Jr., Chair
Public Safety and Legal Administration Committee